

JOSEPH P. RUSSONIELLO  
 United States Attorney  
 THOMAS MOORE (ASBN 4305-O78T)  
 Assistant United States Attorney  
 Chief, Tax Division  
 9<sup>th</sup> Floor Federal Building  
 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-6935  
 HUONG T. BAILIE (NYBN 4035739)  
 300 E. 8th Street, Suite 601  
 Austin, TX 78701  
 Telephone: (512) 499-5759  
 ALLYSON B. BAKER (DCBN 478073)  
 FREDERICK N. NOYES  
 Tax Division  
 U.S. Department of Justice  
 Post Office Box 7238  
 Ben Franklin Station  
 Washington, D.C. 20044  
 Telephone: (202) 202-353-8031  
 Facsimile: (202) 514-6770  
 Email: [allyson.b.baker@usdoj.gov](mailto:allyson.b.baker@usdoj.gov)  
[frederick.n.noyes@usdoj.gov](mailto:frederick.n.noyes@usdoj.gov)

IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 07-4762-PJH
	)	
CHARLES CATHCART <i>et al.</i>	)	STIPULATED PROTECTIVE
	)	ORDER PERTAINING TO
	)	DOCUMENTS PRODUCED BY
Defendant.	)	WACHOVIA CORPORATION

Plaintiff United States of America and non-party Wachovia Corporation  
 ("Wachovia"), by their undersigned counsel, hereby stipulate as follows:

- This stipulation and Order governs all documents and other material produced by Wachovia in this matter in conjunction with discovery, or in response to any subpoena or Order of the Court.

2. All documents and other materials produced or exchanged in this matter may be used for purposes of this litigation only, except that this order does not prohibit or otherwise restrict the Department of Justice from disclosing information protected by this order that is relevant to any civil or criminal action to any federal or state agency with authority to enforce laws regulating any activity relating to the requested information. Any such federal or state agency shall keep the information confidential to the extent provided by law, and shall not be subject to this Order.
3. In producing or exchanging any document, Wachovia may designate all or any portion of it as "confidential."
4. A document may be designated as "CONFIDENTIAL" only when the document is comprised of information that meets either of the following standards:
  - a. The information contains references to individuals' social security numbers or other tax identification numbers, birth dates, financial account numbers or other personal information protected by privacy laws, regulations, policies and practices relating to financial institutions; OR
  - b. The information is a trade secret, contains proprietary information, or other confidential research, development, or commercially sensitive information.
5. The designation of material as confidential may be made by letter to counsel for plaintiff, by stamping or affixing "confidential" onto any document (in such manner as will not interfere with the legibility thereof), or by any other reasonable means agreed to by the parties.
6. Failure to designate a document as confidential when it is initially produced shall not constitute a waiver of the right to later designate it or the information therein contained as confidential, but Wachovia's disclosure of the document or its contents during such intervening time period shall not constitute a violation of this Stipulation and Order.

- 1           7.     The receiving party shall be provided the opportunity to investigate and test the  
2           Confidential designation for 30 days after receipt, at which time the receiving  
3           party must either reject in writing the Confidential designation (with the  
4           appropriate rationale for rejection) or be deemed to agree with such designation.  
5           Grounds for challenging the designation include, but are not limited to, that the  
6           document (1) is already known to the receiving party, (2) has already been  
7           produced to any third party other than under similar confidentiality limitations,  
8           and (3) is known or reasonably discernable to the public at large through literature  
9           or publications, although Wachovia reserves the right to challenge those grounds.  
10          During the 30-day testing period, the receiving party shall treat the document and  
11          information as confidential. The receiving party may request that confidentiality  
12          be removed for a portion of the document. Prior to such agreement or,  
13          alternatively, for 30 days after the rejection, the receiving party shall also treat the  
14          document and information as confidential. Should the parties disagree to the  
15          Confidentiality designation, the party challenging the designation shall have the  
16          burden of applying to the Court for relief, but the producing party shall retain the  
17          burden of persuasion as concerns the propriety of the designation.
- 18          8.     Confidential documents and any copies thereof, notes made therefrom, and the  
19          information contained therein shall be disclosed only to:
- 20                a.   The Court, provided that in all filings with the Court, personal  
21                identifying information is redacted in accordance with Rule 5.2 of the  
22                Federal Rules of Civil Procedure and trade secrets, confidential research,  
23                development, or commercially sensitive information are filed under seal.  
24                Whenever a paper is filed under seal, a copy from which the confidential  
25                information has been redacted will be filed in the public file for the action;
- 26                b.   The parties (which hereinafter includes each of the defendants Charles  
27                Cathcart, Scott Cathcart, Yuriy Debevc, Robert Nagy, Derivium Capital  
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1 (USA), Inc., Optech Limited, Chi-Hsiu Hsin, a/k/a Charles Hsin, and  
2 Franklin Thomason), provided that, before providing any party with access  
3 to confidential documents, plaintiff obtains from such persons signed  
4 copies of the Third Party Acknowledgment (attached hereto as Exhibit A)  
5 confirming that such persons agree to be bound by the terms of this  
6 Stipulation and Order;

7 c. Counsel of record and in-house counsel of the parties and their staff,  
8 provided that, before providing counsel or their staff with access to  
9 confidential documents, plaintiff obtains from such persons signed copies  
10 of the Third Party Acknowledgment (attached hereto as Exhibit A)  
11 confirming that such persons agree to be bound by the terms of this  
12 Stipulation and Order;

13 d. Disclosure may be made to any deponent, designated trial or hearing  
14 witnesses, and their counsel during deposition preparation, depositions,  
15 trial preparation, trial, or pretrial hearings in the above-captioned case,  
16 provided that, before providing any deponent, witness, or their counsel  
17 with access to confidential documents, plaintiff obtains from such persons  
18 signed copies of the Third Party Acknowledgment (attached hereto as  
19 Exhibit A) confirming that such persons agree to be bound by the terms of  
20 this Stipulation and Order;

21 e. Experts or consultants retained by the parties or counsel to assist in  
22 preparing or conducting proceedings in this matter, provided that, before  
23 providing experts or consultants with access to confidential documents,  
24 plaintiff obtains from such persons signed copies of the Third Party  
25 Acknowledgment (attached hereto as Exhibit A) confirming that such  
26 persons agree to be bound by the terms of this Stipulation and Order;

27 f. State and federal government agencies as provided in paragraph 2; and  
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1 g. Court reporters before whom proceedings are conducted in this matter.

2 9. All confidential material and documents produced or exchanged hereunder and all  
3 copies thereof shall be returned to Wachovia or destroyed within thirty (30) days  
4 following the dismissal, settlement, or judgment, provided that the parties'  
5 counsel may retain copies of all work product, court filings, transcripts, exhibits,  
6 and other documents required to be maintained by written Department of Justice  
7 record retention policy as necessary for an understanding of the outcome of the  
8 case, provided that all confidential material contained in such retained material is  
9 maintained in accordance with the provisions hereof. If plaintiff elects to destroy  
10 rather than return confidential material, counsel shall provide written confirmation  
11 thereof thirty (30) days following the dismissal, settlement, or judgment.

12 Notwithstanding the dismissal, termination, settlement, or judgment, or other  
13 disposition of this matter, the obligations imposed by this Stipulation shall remain  
14 in full force and effect subject only to modification by the parties and the Court.

15 10. This stipulation is not intended to waive any objection or otherwise to preclude  
16 any party from objecting to any discovery request believed to be improper, or  
17 from seeking an order sealing the record of this action.


18 11. Each of the parties hereto (including those identified in paragraph 8(b)), as well as  
19 anyone else who executes a Third Party Acknowledgment, agrees to notify all the  
20 other parties and Wachovia within three business days upon receipt of any  
21 subpoena or other legal process that calls for disclosure of any confidential  
22 documents produced hereunder, except where providing notice would otherwise  
23 be prohibited by law.

24 12. If plaintiff or any entity or person who executes a Third Party Acknowledgement  
25 discloses or uses confidential documents, or information contained therein or  
26 derived from confidential documents, in violation of this Stipulation and Order,  
27 Wachovia shall be permitted to seek redress from the Court, including for  
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injunctive relief, monetary damages, attorneys' fees, and for such other relief as  
may be available under law.

Dated: 5-11-2008

United States of America

By:   
Frederick N. Noyes

UNITED STATES DEPARTMENT  
OF JUSTICE, TAX DIVISION  
Civil Trial Section  
P.O. Box 7238  
Ben Franklin Station  
Washington, DC 20044

Dated: 5/23/08

Wachovia Corporation

By:   
David A. Picon

PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036

SO ORDERED:

Hon. Phyllis J. Hamilton  
United States District Judge

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the foregoing STIPULATED PROTECTIVE ORDER has been made upon the following through the Court's electronic filing system this 3<sup>rd</sup> day of September, 2008:

Farley J. Neuman (fneuman@jgn.com)  
Tom Prountzos (tpountzos@jgn.com)  
Jenkins Goodman Neuman & Hamilton LLP  
417 Montgomery Street, 10<sup>th</sup> Floor  
San Francisco, CA 94104  
Attorneys for Defendant, Robert Nagy

David Bujannoff Porter, Jr. (porter@woodporter.com)  
Wood & Porter  
333 Sacramento Street  
San Francisco, CA 94111  
Attorney for Scott Cathcart

Eric Webb (ewebb@elwlaw.com)  
Bartsch & Webb  
9157 West Sunset Boulevard, Suite 310  
Los Angeles, CA 90069  
*Attorney for Charles Cathcart*

Edward O.C. Ord (ordeoc@sbcglobal.net)  
Ord & Norman  
233 Sansome Street, Suite 1111  
San Francisco, CA 94104  
*Attorney for Charles Hsin and Optech Limited*

and upon the following through regular US Mail this 3<sup>rd</sup> day of September, 2008:

Yuri Debevc (*pro se*)  
1483 Burningtreet Road  
Charleston, SC 29412  
ydebevc@attglobal.net

/s/ Frederick N. Noyes  
FREDERICK N. NOYES